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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,437	11/19/2003	Stephen A. Boppart	ILL09-004-US	6997
43320	7590	10/09/2007		
EVAN LAW GROUP LLC 600 WEST JACKSON BLVD., SUITE 625 CHICAGO, IL 60661			EXAMINER LAMPRECHT, JOEL	
			ART UNIT 3737	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/717,437

Applicant(s)

BOPPART ET AL.

Examiner

Joel M. Lamprecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/14/08, 2/27/07, 4/5/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Izatt et al (US 6,002,480). Izatt et al disclose a method for examining a sample comprising exposing a reference to a set of radiation to receive data from that reference (Col 5 Line 1-Col 6 Line 20), expose a sample to radiation to receive data from that sample (Col 6 Line 20 – Col 6 Line 50), interfering the received data which is of a difference frequency than the sent radiation (Col 2 Line 35-65, Col 7 Line 55- Col 9 Line 65, Col 12 Line 16 – Col 16 Line 20, Col 18 Line 35- Col 19 Line 53, Col 10 Line 29 - Line 45)). The detection mechanisms detect the interfered photons which can be stokes or anti-stokes photons (Col 28 Line 5- Col 29 Line 50), the data sets are combined into an image (Col 6 Line 10-20), and the electromagnetic radiation the sample and reference are exposed to is within the frequency range of infra-red to ultraviolet light (Col 10 Line 29-33), and is done by optical coherence tomography (Col 3 Line 20-55). The sample can be of a tissue inside a patient (Claim 7). The reference radiation is exposed to a reference before the interference with the sample radiation (Col 5 Line 50-Col 6 Line 20, Col 18 Line 35 – Col 20 Line 20), and the wavelengths of the collect radiation are different from that of the electromagnetic radiation that to which the sample is exposed (Col 19 Line 5- 53, Col 2 Line 65- Col 3 Line 20, Col 7 Line 44- Col 8 line 60, Col 11 line 50 – Col 12 Line 55). At least a portion of the received radiation from the sample is of the same frequency as that of the reference and the sent electromagnetic radiations to both the

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reference and sample are phase-coherent (Col 28 Line 5 – Col 29 Line 50). Still further the device comprises an oscillator (pulsed pump laser) (Fig 5), a reference generator (Col 27 Line 5- Col 28 Line 4), illuminator (Col 27 Line 24 - Line 42), a demodulator coupled to the other devices (Col 26 Line 40 – Col 27 Line 4), a recording device (Col 5 Line 60- Col 6 line 20), and frequency-selecting elements to filter the light (Col 9 Line 60-Col 10 Line 45, Col 7 Line 50 – Col 8 Line 55). A scanner is also coupled to the device (Col 5 Line 50-Col 6 Line 20). The digital image is formed from a digital data set and converted into an image, which can use both coherent CARS and CRSRS photons from the reference and sample to form the image from the scattered photons (Col 30 Line 1-55, Col 19 Line 5 – Col 20 Line 60).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel M. Lamprecht whose telephone number is (571) 272-3250. The examiner can normally be reached on Monday-Friday 7:30AM-4PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571)272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML  
9/22/07

  
BRIAN L. CASLER  
SUPERVISORY PATENT EXAMINER  
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